



City of Seattle

Gregory J. Nickels, Mayor

Department of Design, Construction and Land Use

D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

Application Number: 2301379

Applicant Name: Tom Baksay

Address of Proposal: 159 Blaine Street

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of a second story addition to an existing single family residence.

The following approvals are required:

Variance - to allow a portion of the principal structure to extend into required front yard (SMC 23.44.014.a).

Variance – to allow a portion of the principal structure to extend into required rear yard (SMC 23.44.014.b).

Variance – to expand a non conforming structure (SMC 23.42.106).

SEPA DETERMINATION:

☒ Exempt ☐ DNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition
or involving another agency with jurisdiction.

BACKGROUND DATA

Site Description

The subject site is located on Blaine Street in the Queen Anne neighborhood of Seattle. The property is 2,340 square feet in size and contains one single-family residence with a basement garage. The northern border of the lot has 45 feet of frontage along Blaine Street. The east and west property lines run a distance of 54 feet to the rear property line. There is no alley along this portion of E Blaine Street. The existing one story structure has both a nonconforming front yard of 9' and a rear yard of 2'.

Development in the Vicinity

At this portion of Blaine St between Warren Ave N and 2nd Ave N there are three single family homes and one apartment building. The surrounding neighborhood is zoned single family residential (SF 5000) and developed predominately with single family homes.

Proposal Description

The applicant is seeking a variance for future construction of a second story addition and an attached uncovered deck in the front yard. The additional story would be a gain of 598 square feet of additional living space and is proposed to match the existing building foot print. The proposed deck would extend out from the main floor of the structure over the existing driveway and provide approximately 60' of recreational area outside the home.

Public Comment

Public notice of the proposed project ended on April 9th 2003. During this period two comment letters were received. The neighbors raised a number of concerns about the proposal. In general they both felt the lot size prohibits expansion in the manner that is being request. They also felt any upward expansion would be overwhelming to the adjacent buildings. One concerned neighbor believes granting the requested variance will negatively affect his views and devalue his property. The community concerns are addressed in detail in the variance analysis.

ANALYSIS - VARIANCES

As provided in SMC 23.40.020, variances from the provisions or requirements set forth in the Seattle Municipal Land Use code shall be authorized only when all of the following facts and conditions are found to exist:

1. *Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;*

The owners of the lot are seeking to expand a legal nonconforming single family house. The existing structure has a front yard of 9' when the required yard is 15' and a rear yard of 2' when

the required rear yard is 10.4'. The lot size of the subject property is a preexisting condition not created by the owner. The Land Use Code development standards for single family houses are based on a minimum lot size of 5,000 square feet. A rectangular lot of 5,000' would have a building area of 3,600' once the yard were subtracted from the lot size which is roughly 72% of the total lot area. The project site has only 2,340 square feet of lot area. When the required yards are applied to this lot the buildable area is only 40% of the total lot area or 931'. Placing development standards intended for a larger property on a smaller lot would deprive the subject site of expansion privileges enjoyed by other properties in the zone.

2. *The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;*

Granting a variance to allow the construction of a second story above the existing footprint in the front yard would be consistent with the limitations upon properties. The subject site has a front yard of 9' which abuts the front yard of the home directly east and the side yard of the house to the west. The home to the east is currently setback from the street approximately 10' while the house to the west sits about 10' from the street-side property line. To allow the upward expansion of a structure along the existing façade line which is 9' feet back from Blaine St would not significantly alter the existing streetscape and thus would not be a grant of special privilege or go beyond the minimum necessary to afford relief.

The applicant is requesting a variance to allow the expansion of a nonconforming structure. As proposed the additions would increase the height, bulk, and scale of the structure in both the front and rear yards in addition to reducing a front yard to 1'.

Granting a variance to allow a deck to extend over the existing vehicular driveway to the site would be a grant of special privilege. Although there are a number of two story structures on lots with less than the minimum lot area in the vicinity, none of them have decks protruding out towards the street or 1' front yards. Allowing the applicant to construct a deck as proposed would be a grant of special privilege.

Permitting a variance to allow the applicant to construct a second story addition above the existing footprint would be inconsistent with the limitations upon other properties. Currently the existing structure is located two feet from the rear property line. At this location the existing structure abuts the side yards of both single family homes on either side. To allow the subject property to setback 2' from the same line which adjacent structures must be at least 5' from would go beyond the minimum necessary to afford relief to the home owner.

3. *The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.*

Some of the aspects of the proposal could be detrimental to the public welfare. Increasing the bulk and scale of the existing structure directly adjacent the public sidewalk, by permitting a deck over the driveway is not in the best interest of the public and would significantly alter and negatively impact the streetscape by casting an ominous shadow over a public walkway.

The rear yard of the existing structure is required to be 10.4', currently the existing house is setback from the rear property line a distance of 2'. Allowing a vertical expansion of the subject property to setback 2' from the same lot lines which adjacent structures must be at least 5' from would be inconsistent with current development patterns.

Granting a variance to allow the construction of a second story above the existing footprint in the front yard would not be materially detrimental to the public welfare. The subject site has a front yard of 9' which abuts the front yard of the home directly east and the side yard of the house to the west. The home to the east is currently setback from the street approximately 10' while the house to west sits about 10' from the street-side property line. To allow the expansion a structure along the existing façade line which is 9' feet back from Blaine St would not significantly alter the existing streetscape and thus would not be detrimental to the public welfare.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue hardship or practical difficulties;*

Literal interpretation of the Land Use Code would allow the applicant to construct an addition/remodel of the existing structure that conforms with the required front yard of 15' and required rear yard of 10.4'. The addition of a deck over the existing driveway would not be allowed but the structure could extend laterally 8' along a portion of its western façade toward the side lot line. Strict application of the requirements of the Land Use Code would result in a significant reduction in the design, flexibility, size, and massing of the structure in addition to creating structural design challenges. Therefore literal interpretation of the requirements of the Land Use Code would result in undue hardship to the applicant.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The owners of the subject lot are seeking three variances that, if granted would allow the expansion of a legal nonconforming single family home. The applicants proposed to add a second story addition above the existing building footprint and construct a deck out over the existing vehicle driveway. Currently the existing structure has a front yard of 9' when the required yard is 15' and a rear yard of 2' when the required rear yard is 10.4'. As proposed this application has attributes that are within the spirit and purpose of the Land Use Code.

The Code contains many provisions aimed at encouraging the reuse and reconstruction of existing single family structures. The subject site has a front yard of 9' which abuts the front yard of the home directly east and the side yard of the house to the west. The home to the east is currently setback from the street approximately 10' while the house to west sits about 10' from the street-side property line. Allowing the expansion of the existing structure along the present façade line preserves the current character of the streetscape while encouraging reuse of a single family building and thus is consistent with the spirit of the Land Use Code.

Permitting a deck to extend further out into the nonconforming front yard would result in an altered streetscape. Allowing this deck would not be within the spirit or purpose of the Land Use Code.

Permitting a variance to allow the applicant to construct a second story addition above the existing footprint to the rear would be inconsistent with the limitations upon other properties. Currently the existing structure is located two feet from the rear property line. At this location the existing structure abuts the side yards of both single family homes on either side. To allow the subject property to setback 2' from the same line which adjacent structures must be at least 5' from would be inconsistent with the Land Use Code regulations of the area.

DECISION-VARIANCE (based upon approved plans in the file)

The proposed variance to allow less than the required rear yard is **CONDITIONALLY GRANTED.**

The proposed variance to allow less than the required front yard is **CONDITIONALLY GRANTED.**

The proposed variance to allow the expansion of a non conforming structure is **CONDITIONALLY GRANTED.**

CONDITIONS –VARIANCE

Prior to issuance of the MUP the applicant shall revise the official plans to reflect the following:

1. The owner is allowed to expand upward into the required rear yard but must stay at least 5' from the rear property line. Any eaves and gutters proposed along this new façade may only extend a maximum of 12" from the exterior wall or stay at least 4' from the rear property line at all times.
2. The owner is allowed to expand upward but not outward into the required front yard. Any expansion must not extend forward of the existing front wall. Any eaves and gutters proposed along this new façade may only extend a maximum of 18" beyond the front façade.

Signature: (signature on file) Date: May 8, 2003
Glenda Warmoth, Land Use Planner
Department of Design, Construction and Land Use
Land Use Services